IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2169 of 2005

Between:

V. N. Venkatanarayana Reddy, s/o V.N. Reddy,
Transport Operator, Lakshminarayana Weigh Bridge,

Near Jyothi Talkies, Kattamanchi Road,
Chittoor District, Chittoor-517 001.

..... PETITIONER

AND

The Secretary, Regional Transport Authority,

Industrial Estate, Chittoor.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a *Writ of Mandamus* or any other appropriate writ, order or direction directing the respondent to refund the compounding fee collected from the petitioner for compounding the offence under section 86 of the Motor Vehicles Act for the vehicle bearing No. ADC 2895 with 12% interest per annum from the date of deposit and compensation of Rs.50,000/- for the mental agony suffered by the petitioner by declaring the inaction of the respondent in not refunding the amount to which the petitioner is legally entitled for the past over four years as arbitrary, illegal and unconstitutional.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

For directing the respondent to refund the compounding fee collected from the petitioner for compounding the offence under Section 86 of the Motor Vehicles Act for the vehicle bearing No. ADC 2895 with 12 % interest per annum from the date of deposit and compensation of Rs.50,000/- for the mental agony suffered by the petitioner, and also for declaring the action of the respondent in not refunding the amount to which the petitioner is legally entitled, as arbitrary and illegal, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

3. The learned counsel for the petitioner contended that despite giving a direction by this Court, the respondent has not refunded the amount as per Section 86 of the Motor Vehicles Act, 1939 and that after passing of the orders, the respondent informed the petitioner that they would pay the amount, but the respondent has not paid the same. The learned Government Pleader for Transport, who opposed the same, contended that for the same relief, the petitioner filed W.P.No.8052 of 1996 and this Court passed an order, dated 14.11.2000, wherein it is held:

> "In the circumstances, I am of the opinion that the decision of this Court in M.K. SATYANARAYANA RAO's case (supra) will squarely apply to the facts of the case on hand. However, it is not possible for this Court to make an enquiry and decide as to what exactly the amount is liable to be refunded to the petitioner, if any. Interest of justice would be met by directing the respondent to make a detailed enquiry with reference to the statement furnished by the petitioner and decide as to what exactly the amount is liable to be refunded to the petitioner. It is needless to direct that the respondent shall return the amounts collected from the petitioner under Section 86 of the Act provided such amounts were already collected for the

same offences, which were compounded on payment of amounts under Section 200 of the Act. An appropriate enquiry will be held into the matter and decision thereof shall be taken within a period of two months from the date of receipt of a copy of this order."

But, again for the same relief, the present writ petition is filed. If the petitioner is aggrieved, the remedy is otherwise in so far as the determination of the compensation is concerned. This Court is not the competent authority to decade such an issue. Therefore, the writ petition is disposed of, leaving open all the remedies available to the petitioner under law. No costs.

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(K.C. BHANU, J)

Date: 10.02.2005.

Ksn

ASSISTNAT REGISTRAR

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SECTION OFFICER

To

1. The Secretary, Regional Transport Authority,

Industrial Estate, Chittoor.

2. Two C. Cs to G.P. for Transport, High Court Buildings, Hyderabad (OUT).

3. 2 CD copies